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UNDER
SEAL**

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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Marquell Deron Johnson**

Case Number: **2:22CR00206**

Name of Sentencing Judicial Officer: **Honorable Cathy Ann Bencivengo**

Date of Original Sentence: **July 1, 2022**

Original Offense: **Attempted Transportation of Certain Aliens and Aiding and Abetting**

Original Sentence: **6 Days prison, followed by 36 Months TSR.**

Date Supervision Commenced: **July 1, 2022**

Date Jurisdiction Transferred to District of Nevada: **October 3, 2022**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

☒ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

A. Johnson failed to report for drug testing on the following dates:

August 13, 2022

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August 20, 2022
September 10, 2022
September 24, 2022

B. Johnson tested positive for marijuana on the following dates:

July 1, 2022
August 15, 2022
August 27, 2022
October 1, 2022
October 8, 2022
October 15, 2022
October 22, 2022
October 31, 2022
November 5, 2022

On October 31, 2022 during an office visit, Johnson admitted to smoking marijuana daily and stated he was not going to stop use.

2. **Pay Fine and or Restitution** - If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

At the time of sentencing, the court required Johnson to pay \$100 special assessment fee and \$5000 Justice for Victims of Trafficking Act, due immediately. As of November 10, 2022, Johnson has failed to make any payments towards his financial obligations.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **November 10, 2022**



Digitally signed by
Nickie Pipilakis
Date: 2022.11.10
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Nickie Pipilakis
United States Probation Officer

Approved:

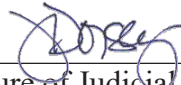


Digitally signed by Todd
Fredlund
Date: 2022.11.10 13:48:23
-08'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☐ The issuance of a warrant.
☒ The issuance of a summons.
☐ Other:



Signature of Judicial Officer

11/10/2022

Date

RE: Marquell Deron Johnson

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. MARQUELL DERON JOHNSON, 2:22CR00206**

**SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
November 10, 2022**

On July 1, 2022, Johnson was sentenced in the Southern District of California to time served (six days) followed by three (3) years of supervised release for committing the offense Attempted Transportation of Certain Aliens and Aiding and Abetting, a Class D felony. On July 1, 2022, Johnson commenced supervision in the District of Nevada.

On July 8, 2022, the sentencing court was notified that on July 1, 2022, the offender submitted a urine specimen that screened positive for marijuana. On July 7, 2022, the offender admitted using marijuana on June 30, 2022, prior to his sentence. The offender reported he was stressed about his court appearance and used marijuana one time. The offender was verbally admonished for his violation conduct and instructed to abstain from further substance abuse.

On August 30, 2022, this office informed the Southern District of California of Johnson's violations, seek modification to conditions of supervision, and to request transfer of jurisdiction. Johnson failed to report for drug testing on August 13, 2022, August 20, 2022, September 10, 2022, and September 24, 2022.

On August 15, 2022, Johnson reported to the probation office as directed to discuss his noncompliance with drug testing in which Johnson was not calling and/or reporting for drug testing as directed. During the office visit, Johnson submitted a diluted urine sample that tested positive for marijuana. Johnson denied use, and the sample was sent to the national contracted laboratory Abbott Toxicology for confirmation. On August 22, 2022, the sample was confirmed positive for marijuana.

On August 29, 2022, following a positive drug test for marijuana, the undersigned officer telephonically contacted Johnson to discuss his non-compliance. He admitted to using edible marijuana. Johnson asked the undersigned to place him in outpatient substance abuse treatment.

Johnson also admitted that his employer terminated him on August 18, 2022, due to failing a safety inspection. Johnson was then able to secure new employment within a week at a new solar panel company.

On September 12, 2022, the Honorable Cathy Ann Bencivengo took judicial notice of Johnson's non-compliance and initiated the transfer of jurisdiction for this case. The Court also modified Johnson's conditions to include outpatient substance abuse treatment.

On October 3, 2022, Your Honor accepted jurisdiction of this case from the Southern District of California.

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On October 6, 2022, Johnson attended his substance abuse assessment at the Community Counseling Center in which he was recommended for weekly outpatient individual and group counseling. The assessor also noted to the undersigned that Johnson reported to the assessment smelling like marijuana and has appeared under the influence of marijuana in class.

Johnson has either failed to report or test positive on all drug screens since July 1, 2022. In total, he has nine (9) positive drug tests for marijuana.

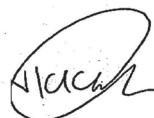
On October 31, 2022 during an office visit, Johnson admitted to smoking marijuana daily and stated he did not think he was going to be able to stop use. Inpatient substance abuse treatment was discussed with Johnson who declined and stated he would rather be revoked and complete custody time rather than supervision. Johnson also signed an Admission Report stating he smoked marijuana on October 26, 2022.

At the time of sentencing, the court required Johnson to pay \$100 special assessment fee and \$5000 Justice for Victims of Trafficking Act, due immediately. Johnson has been verbally reminded by the undersigned officer that he must pay his financial obligations for this case. On October 31, 2022, Johnson stated he was going to make a payment that day. As of November 10, 2022, Johnson has failed to make any payments towards his financial obligations.

As indicated in this report, Johnson has tested positive for marijuana and admitted to such use on more multiple occasions within the past three (3) months. Pursuant to 18 U.S.C. § 3583 (g)(4) revocation is mandatory for testing positive for an illicit substance more than three (3) times in a 12-month period.

Johnson has stated to this officer that he will not stop smoking marijuana and would rather serve a custodial sentence than be subjected to the terms and conditions of supervision. It appears Johnson is not amendable to community control and is not interested in treatment. Based on the violations in this petition, the probation office recommends the issuance of a summons to initiate revocation proceedings.

Respectfully submitted,



Digitally signed by
Nickie Pipilakis
Date: 2022.11.10
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Nickie Pipilakis
United States Probation Officer

RE: Marquell Deron Johnson

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Approved:

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Fredlund
Date: 2022.11.10 13:48:45
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Todd J. Fredlund
Supervisory United States Probation Officer